**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 185(S/S)2003

1. Ravendra Prasad Sharma S/o Sri Shyam Sunder Sharma,
   Ganna Surveyor, Ganna Development Department,
   Kashipur, Udham Singh Nagar,
2. Sompal Singh S/o Sri Murari Ram,
   Ganna Surveyor, Ganna Development Department,
   Kashipur, Udham Singh Nagar,
3. Jagpal Singh S/o Ilam Singh,
   Ganna Surveyor, Ganna Development Department,
   Bazpur, Udham Singh Nagar,
4. Umed Singh Nagdali S/o Maikal Singh,
   Ganna Surveyor, Ganna Development Department,
5. Dinesh Chandra Thuwal,
   Ganna Surveyor, Ganna Development Department,
   Haldwain, Nainital,
6. Jagdish Chandra Bailwal S/o Chandra Bailwal,
   Ganna Surveyor, Ganna Development Department,
   Haldwani, Nainital,
7. Mahesh Chandra Dobariyal S/o Shankar Dass,
   Ganna Surveyor, Ganna Development Department,
   Dehradun District Dehradun,
8. Kamal Singh S/o Mahendra Singh,
   Ganna Surveyor, Ganna Development Department,
   Dehrasun district Dehradun,
9. Shiv Singh Bisht S/o Sri Trilok Singh Bisht,
   Ganna Surveyor, (Retired),
   R/o house no. 362, Ram Nagar Road, Kashipur,
   District Udham Singh Nagar. ---- Petitioners.

Vs.

1. The State of Uttaranchal, through Cane Secretary,
   Dehradun.
2. Cane Commissioner, Uttaranchal, Dehradun,
3. Joint Cane Commissioner, Kashipur,
   District Udham Singh Nagar,
4. Asstt. Cane Commissioner,
   District Udham Singh Nagar,
5. Assistant Cane Commissioner,
   Dehradun. ----Respondents.

Sri A.D. Tripathi, learned counsel for the petitioners.
Learned Standing Counsel for State of Uttaranchal/respondent nos. 1 to 3.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri A.D. Tripathi, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal/ respondent nos. 1 to 3

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to give the full benefit of the Govt. Order dated 22.01.2001 as they have completed 24 years' continuous and satisfactory service for which they are fully entitled,

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to pass an order to include the past services rendered by them on the post of Ganna Gram Sewak before the change of cadre and other benefits for which they are entitled under the provision of law,

iii. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper to the facts and circumstances of this case,

iv. To award the cost to the petitioners.

3. Submission of the learned counsel for the petitioner is that the petitioners were appointed as Ganna Gram Sewak in the year 1965. The post of Ganna Gram Sewak was re-designated as Cane Supervisor lateron and the name of the posts held by the petitioners were also re-designated as Cane Supervisor. Since the services rendered by the petitioner as Ganna Gram Sewak were not counted for the purposes of

seniority and pensionary benefits, the petitioners have preferred this writ petition.

4. Learned counsel for the petitioners has also contended that vide order dated 03.05.2005 passed by the Joint Cane Commissioner, Kashipur, District Udham Singh Nagar, the grievances of the petitioners have already been settled and the Cane Commissioner has allowed to add the services rendered by he petitioners earlier to their credit, but the petitioner no. 9 has been deprived of. Counsel for the petitioners has submitted that the petitioner no. 9 has already been retired from services on 30.06.2000. Although, the pension and all other benefit have been given to the petitioner no. 9, however, the benefit of the Govt. Order dated 03.05.2005 has not been extended to the petitioner no. 9.

5. Since the respondents have already settled the grievances of the petitioners, excluding the petitioner no. 9, by adding the services rendered by the petitioners earlier as Ganna Gram Sewak on the present post held by them for the purposes of seniority and pensionary benefit vide order dated 3rd May 2005, the respondents are directed to grant the same benefit to the petitioner no. 9 also.

6. With this direction, the writ petition is finally disposed of.

**(M.M. Ghildiyal.)**

May 17,2006:
NCM: